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राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश शासन द्वारा प्रकाशित

शिमला, रविवार, 7 सितम्बर, 1958/16 भाद्रपद, 1880

HIMACHAL PRADESH ADMINISTRATION

DEVELOPMENT DEPARTMENT

NOTIFICATIONS

Simla-4, the 2nd September, 1958

No. Agr. 2-31/57-II.—The Himachal Pradesh Seed Potato (Control) Order, 1958, as notified in Part II, Section 3, of the Gazette of India (Extraordinary), is hereby published for the information of the general public.

By order,
RAJ KUMAR, I.A.S.,
Secretary.

GOVERNMENT OF INDIA
MINISTRY OF FOOD AND AGRICULTURE
(AGRICULTURE DEPARTMENT)

NOTIFICATION

New Delhi, the 29th August, 1958

G.S.R. 758A.—In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order, namely:—

HIMACHAL PRADESH SEED POTATO (CONTROL) ORDER, 1958

1. **Short title, extent and duration.**—(a) This Order may be called the Himachal Pradesh Seed Potato (Control) Order, 1958.
(b) It extends to the whole of the district of Mahasu in Himachal Pradesh.
(c) This Order shall come into force on and from the 15th September, 1958, and shall remain in force upto the 31st January, 1959.

2. Definitions.—In this Order, unless the context otherwise requires—

- (a) "Administration" means the Lieutenant Governor of Himachal Pradesh;
- (b) "dealer" means a person carrying on the business of purchasing, selling or exporting seed potato and includes an agent of a dealer;
- (c) "export" means to take out of the territory by land or air;
- (d) "Form" means a Form specified in the Schedule annexed to this Order;
- (e) "licensing authority" means the Development Commissioner of Himachal Pradesh, and includes the Director of Agriculture, Himachal Pradesh, Director for Potato Marketing, Himachal Pradesh, and Potato Development Officer, Himachal Pradesh;
- (f) "seed potato" means the tuber of the plant solanum tuberosum harvested between the months of September, 1958, and January, 1959, and which is of normal shape characteristic to the variety, viable, mature, firm, free from diseases with well-developed eyes;
- (g) "territory" means the district of Mahasu in Himachal Pradesh.

3. Dealers etc. to obtain licence.—No person shall—

- (a) carry on the business of purchasing or selling seed potato;
- (b) store seed potato for sale or for export;
- (c) export, attempt to export, or abet the export of seed potato;

except under and in accordance with the terms and conditions of a licence granted under this Order:

Provided that nothing contained in this clause shall apply to the export of seed potato not exceeding in the aggregate twenty seers in weight at any one time by a *bona fide* traveller as a part of his luggage.

4. Restriction on export of seed potato.—No person shall export, or attempt to export, or abet the export of, any seed potato which is not graded, packed and marked in accordance with the directions issued by the licensing authority under the provisions of this Order.

5. Application for licence.—(1) Every person desiring to obtain a licence under this Order shall make an application in Form 'A' in duplicate to the licensing authority.

(2) A separate application shall be necessary in respect of each place of business.

(3) Every such application shall be accompanied by a treasury challan under Head "XXIX—Agriculture-Miscellaneous Receipt", for Rs. 5.00 as licence fee.

6. Grant and refusal of licence.—(1) On receipt of an application under clause 5, the licensing authority, after making such enquiry as it considers necessary, shall, by order in writing, either grant the licence or refuse to grant it.

(2) Before granting any licence under this Order, the licensing authority, shall have regard to the following factors, namely:—

- (a) whether the applicant has been carrying on or has carried on business as a dealer and if so, for what period;
- (b) financial position of the applicant;
- (c) in relation to an application for licence for export, facilities or experience that the applicant possesses for grading of seed potatoes;
- (d) such other factors which appear to the licensing authority to be relevant under the circumstances.

(3) Where a licence is refused, the grounds of such refusal shall be communicated, as early as possible, to the applicant.

(4) Every licence granted under this Order shall be in Form 'B'.

7. Period of validity of licence.—Every licence issued under this Order shall, unless previously cancelled or suspended, expire on the 31st of January, 1959.

8. Issue of directions.—(1) The licensing authority may issue direction to all licence holders generally in regard to—

- (i) issue of vouchers by sellers of seed potato;
- (ii) grading and packing of seed potato and marking of containers thereof;
- (iii) submission of returns in the form prescribed by the licensing authority from time to time;
- (iv) training of dealers or their employees in the methods and technique of grading of seed potato.

(2) Every licensee shall comply with any directions issued under sub-clause (1).

9. Power to cancel or suspend licence.—The licensing authority may, after giving the holder of a licence an opportunity of being heard, suspend or cancel a licence on any of the following grounds, namely:—

- (a) that the licence had been obtained by misrepresentation as to material particulars;
- (b) that any of the provisions of this Order or terms and conditions of the licence or the directions issued under this Order have been contravened.

10. Appeal.—Any person who is aggrieved by an order—

- (a) refusing to grant a licence;
- (b) cancelling or suspending a licence;

may within fifteen days from the date of such order, appeal to such authority as the Administration may specify in this behalf, and the decision of such authority shall be final.

11. Service of orders and directions.—Any order or direction made or issued by the licensing authority may be served in the manner provided in sub-section (5) of section 3 of the Essential Commodities Act, 1955 (10 of 1955).

12. Power of entry, search, seizure, etc.—(1) The licensing authority or any officer duly authorised by him in writing in this behalf may, with a view to securing compliance with this Order or to satisfying himself that this Order has been complied with—

- (a) stop, detain and search any person, motor or any vehicle, animal or receptacle used or capable of being used for the carriage of seed potato;
- (b) enter and search any building, structure or place;
- (c) seize any seed potato in respect of which he has reason to believe that any provision of this Order has been, is being, or is about to be contravened;
- (d) inspect or examine the licence, accounts or stocks of any licensee at any time.

• (2) The provisions of sections 102 and 103 of the Code of Criminal Procedure, 1898 (5 of 1898), relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

13. Exemption.—The Administration may, for sufficient reasons, exempt any person or class of persons or any department of the Government from the operation of all or any of the provisions of this Order.

SCHEDULE

FORM 'A'

(See Clause 5)

APPLICATION FOR LICENCE

[Under the Himachal Pradesh Seed Potato (Control) Order, 1958]

From

To

Sir,

Kindly grant a licence authorising the undermentioned individual/firm/joint stock company/Co-operative Society, to purchase, sell or export or store for sale or for export seed potatoes under the Himachal Pradesh Seed Potato (Control) Order, 1958. The individual/firm/joint stock company/Co-operative Society, is a *bona fide* dealer/grower of seed potato since..... and has handled..... mds. of seed potatoes during the last year or any one of the two previous years. The individual/firm/joint stock company/Co-operative Society will carry on business at..... (place),..... Tehsil, District, and will abide by the terms and conditions of the Himachal Pradesh Seed Potato (Control) Order, 1958.

I/We also certify that I/Shri..... S/o Shri..... my/our employee or agent at the place mentioned above has duly received training in the grading of seed potato provided by the Department of Agriculture, Himachal Pradesh Administration, and has been awarded a certificate for having satisfactorily completed the training. An attested copy of the certificate is attached herewith.

I/We certify that the particulars given by me/us in this application are correct to the best of my/our knowledge and belief.

Signature.....

Date.....

Note.—Cut out what is not applicable.

FORM 'B'

(See Clause 6)

Licence for the purpose of purchase, sale or export or storage for sale or export of seed potatoes

Subject to the provisions of the HIMACHAL PRADESH SEED POTATO (CONTROL) ORDER, 1958, and to the terms and conditions of this licence,..... is hereby licensed to purchase, sell or export, store for sale or for export seed potatoes.

2. The licensee may carry on the aforesaid business at..... (place) in..... Tehsil of Mahasu district.

3. The licensee shall grade, pack and mark the seed potatoes of different varieties in such manner as may be laid down by the licensing authority under clause 8 of the Seed Potato (Control) Order, 1958.

4. The licensee shall give every facility to the licensing authority or any other officer acting under his authority for the purpose of inspecting his stocks and checking its quality at any shop, depot or godown or other place used by him for the purpose of storage, sale or export of seed potatoes.

Note.—Cut out what is not applicable.

K. R. DAMLE,
Secretary.

Simla-4, the 5th September, 1958

No. Agr. 2-31/57-II.—In exercise of the powers conferred in him under clause 10 (Appeal) of the Himachal Pradesh Seed Potato (Control) Order, 1958, the Lieutenant Governor, Himachal Pradesh, is pleased to appoint the Chief Secretary, Himachal Pradesh Administration, as appellate authority to hear and decide appeals preferred by any person aggrieved by an order:—

- (a) refusing to grant a licence;
- (b) cancelling or suspending a licence.

By order,
RAJ KUMAR, I.A.S.,
Secretary (Development).

Simla-4, the 5th September, 1958

No. Agr. 2-31/57(II).—In exercise of the powers conferred on me under clauses 3, 4 and 8 of the Himachal Pradesh Seed Potato (Control) Order, 1958, I, Raj Kumar, Development Commissioner, Himachal Pradesh Administration, give the following directions to licensees under the said Order, and prescribe the undermentioned terms and conditions of licence:—

1. The licensee shall engage for work at each place, for which he holds a licence at least one person, who has satisfactorily completed the training in the grading of seed potatoes with the Department of Agriculture, Himachal Pradesh Administration.
2. The licensee as the seller of seed potato shall issue vouchers to all producers and/or suppliers of seed potatoes from whom such potatoes have been purchased, in the proforma prescribed in Annexure III (Form 'C') and shall keep a duplicate copy thereof for inspection.
3. The licensee shall not export or attempt to export or abet the export of any potato seed which is not graded in accordance with the specifications laid down in Annexure I.
4. The following fast-coloured strings shall be used for stitching the bags to identify the various varieties and grades:—

S. No.	Colour of string	Grade designation	
(i)	Yellow	.. A-1 Up-to-date disease-free (Special grade).	
(ii)	Blue	.. A-2 Up-to-date disease-free (Phool grade).	
(iii)	Red	.. B-1 Numbri (Special grade)	Seed Grade
(iv)	Jamni	.. B-2 Numbri (Phool grade)	
(v)	Green	.. C Dhankri	
(vi)	Black	.. Ration Sathu or any other potato for table purposes.	Table Grade

5. The licensee shall use fast-coloured strings for stitching the bags used for packing seed potatoes in order to identify the various varieties and grades.

6. The licensee shall pack, seed potato for sale or export in gunny bags of standard size, net weight of each bag being two maunds excluding the weight of empty gunny bag, which may be taken as two lbs.

7. The licensee shall mark every bag of seed potato packed by him with an iron sheet stencil bearing the licensee's name, his licence number and grade designation of seed potato and use for such marking fast-coloured ink which corresponds to the colour of the string as specified for respective grades under (4) (i) to (v) above. He shall not use any other mark of identification other than that prescribed.

8. The licensee shall submit to the Development Commissioner, Himachal Pradesh Administration, Simla, a weekly return showing the date-wise transactions in Forms 'C' mentioned under (2) above and 'D' (Annexure IV). The weekly return shall reach the Development Commissioner within seven days of the date of expiry of the week to which the return relates.

9. The licensee shall transact business only at the place for which he has been granted a licence. The names of places where licensees shall carry on business are given in Annexure II.

10. All bags containing potato other than grades of seed potato specified in Annexure I shall be labelled conspicuously as "Table-Potatoes" with an iron sheet stencil and fast-coloured black ink.

RAJ KUMAR, I.A.S.,
Development Commissioner.

GRADE SPECIFICATIONS AND DEFINITION OF QUALITY OF SEED POTATOES TO BE EXPORTED FROM
HIMACHAL PRADESH

Grade designation	Size	General characteristics	Conformity to variety	Under size or over size	Disease	Damage	Earth and/or extraneous matter
A-I (Up-to-date disease-free Special grade).	1 2	More than 2.5 inches in length.	The tubers shall be reasonably healthy, firm characteristic colour and shape of the variety and each tuber having at least three well-developed viable fleet eyes.	No off-type 2% under size by count.	No pimpled tubers size by count.	No count not more than 3% as under:— (1) Up to 1% slightly cracked and bruised tubers. (2) Up to 2% insect damaged; provided the injury does not impair the seed quality.	Not to exceed 1% by weight.
A-II (Up-to-date disease-free Phool grade).	1.5" to 2.5"	Same as above with at least two well-developed viable fleet eyes.	-do-	2% under size or over size by count.	-do-	-do-	-do-

N.B.—Tubers of Up-to-date variety are generally oval, flattened to oblong in shape according to environmental conditions. Colour of the skin is whitish and that of flesh dull white. Eyes largely concentrated in the crown region.

	1	2	3	4	5	6	7	8
B-I(Numbri Special grade)	More than 2.5 inches in length.	Up-to-date variety grown under the local name Numbri. The tubers shall be reasonably clean, healthy, firm with characteristic colour and oval and flat shape of the variety and each tuber having at least three well-developed viable eyes.	Admixtures not exceeding 5%.	2% under size by count.	Not more than 5% by count, of tubers affected by diseases, the presence of which can be detected by visual examination.	Not more than 5% by count of cracked, bruised or insect damaged tubers allowed.	Not more than 5%, by count of cracked, bruised or insect damaged tubers allowed.	Not more than 5%, by weight.
B-II (Numbri Phool grade)	1.5" to 2.5" in length.	-do-	-do-	2% under size and over size by count.	-do-	-do-	-do-	-do-
C. (Dhankri)	All tubers 1.5 inches and above in length.	The tubers shall be of varying shape—long, cylindrical, or oval, or in length. Skin smooth and whitish in colour and flesh white. Eyes well-distributed over the tuber. The tubers shall be reasonably clean, healthy and firm.	The variety shall generally be long, or oval, and form to Magnum Benum.	2% under size by count.	Not more than 5% by count of tubers affected by disease, the presence of which can be detected by visual examination.	Not more than 5% by count of cracked, bruised or insect damaged tubers allowed. Superficial blemishes not likely to affect keeping quality shall not exceed in aggregate $\frac{1}{4}$ th of the total area of any tuber.	Not more than 5%, by count of cracked, bruised or insect damaged tubers allowed.	Not more than 5%, by weight.

ANNEXURE II

LIST OF PLACES WHERE LICENSEES SHALL CARRY ON BUSINESS

(i) Theog-Kotkhai line.—Kotkhai, Kakunala, Gumma, Chaila, Gazeri (Jais) and Ori (Khara-Pathar)	..	6
(ii) Theog-Simla line.—Rahighat (Theog), Nangal Devi, Bhekalti, Fagu, Kufri, Mundaghat and Durgapur	..	7
(iii) Theog-Khadrala line.—Sandhu, Lefughati, Matiana, Shilaroo, Ekant Bari, Narkanda, Shilikandli, Sidhpur, Baghi, Ganasidhar, Tutupani and Khadrala	..	12
(iv) Narkanda-Thanadhar line.—Jarol	..	1
(v) Narkanda-Rampur line.—Barubagh, Oddi (Keongal)	..	2
(vi) Simla-Solan line.—Salogra, Solan	..	2
TOTAL	..	30

**ANNEXURE III
FORM 'C'**

Licence No..... Name and address of licensee.....

(Prescribed under sub-clauses (i) & (iii) of clause 8 of Himachal Pradesh Seed Potato (Control) Order, 1958)

Daily record of transactions in respect of Seed Potatoes

Date	Name and address of the producer and/ or supplier	Particulars of purchases made		Rate per maund	Total Value	Deductions	Net amount payable	Amount actually paid at the time of transaction	Balance payable to the producer/ supplier
		Name of variety	Total quantity in stand ard maunds						
1	2	3	4	5	6	7	8	9	

Signature of the
Sub-Inspector or
Inspector of the
Supervisory staff.

Signature or thumb impression
of Licensee.

To
The Development Commissioner,
Himachal Pradesh Administration,
Simla.

To

**ANNEXURE IV
FORM 'D'**

Licence No.
(Prescribed under sub-clause (iii) of clause 8 of the Himachal Pradesh Seed Potato (Control) Order, 1958)

Daily record of transactions with the Simla exporters and/or other buyers

Names and addresses of the buyers Date	Quantity sold		Selling price per standard maund	Total price	Quantity in standard maunds transported on the day in question from the place or places for which a licence/licences has/have been granted	Destination/Destinations to which quantity mentioned in column (6) consigned with break up of quantities for each destination
	Grades (A ₁ , A ₂ , B ₁ , B ₂ , C or Table) (i)	Quantity sold in standard maunds (ii)				
1	2	3	4	.5	6	7

To *The Development Commissioner,
Himachal Pradesh Administration, Simla.*

Signature or thumb impression of the licensee.

Signature of Supervisory staff.

To

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